IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.92/2002

Shri Sanjay Gokuldas Sawant,
son of Gokuldas Sawant, aged
37 years, married, driver,
resident of House No.39,
Near Pandava Chapel,
Aquem, Margao, Goa. .... Appellant.

Vs.

1. Shri Shivanand Bandekar,
son of Narayan Bandekar,
major in age, rider and owner
of Scooter bearing registra-
tion No.GA-02-K-1266,
resident of House No.284,
Davorlim, Salcete, Goa; and

2. The New India Assurance Company
Ltd., insurer of Scooter
bearing registrtion No.GA-02-K-1266,
with office at Jagannath
Building, Near Railway Gate,
Margao, Gao. .... Respondents.

Mr. S.S. Kakodkar, Advocate for the appellant.

Mr. E. Afonso, Advocate for the respondents.

CORAM : F.I. REBELLO, J.

DATE : JULY 17, 2003.

ORAL JUDGMENT :

Considering the findings recorded by the learned Claims Tribunal, this will not be a fit case to interfere with the order passed as the issue can be agitated in the petition which is pending. In the instant case, it is contended, that the accident took

place on 12.9.2000. The F.I.R. was lodged only on 1.11.2000. Considering this aspect, and considering the material on record, the findings given by the learned Tribunal cannot be faulted with. It is, however, made clear that it is open to the appellant to prove his case, in which event, it is open to the Tribunal to pass orders according to law.

F.I. REBELLO, J.

ssm.